

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

DANA ANDREW, as legal guardian on  
behalf of Ryan T. Pretner, and RYAN T.  
PRETNER,

Plaintiffs,

v.

CENTURY SURETY COMPANY,

Defendant.

Case No. 2:12-cv-00978-APG-PAL

**NOTICE OF INTENT TO  
RECONSIDER AND ORDER SETTING  
HEARING**

(DKT. #192, #194, #197)

I have reconsidered a portion of my prior order (Dkt. #168) regarding whether defendant Century Surety Company is bound by the default judgment entered in the underlying litigation, and whether *Allstate Insurance Co. v. Pietrosh*, 454 P.2d 106 (Nev. 1969) and its progeny apply in the general liability context. On reconsideration, I am inclined to rule that Century is bound by the default judgment's findings on liability and damages (capped at \$1 million because there was no bad faith). But Century may challenge the binding nature of the default judgment if it was obtained through fraud or collusion.

IT IS THEREFORE ORDERED that oral argument on defendant's motion for summary judgment (Dkt. #192), plaintiffs' motion for summary judgment (Dkt. #194), plaintiffs' motion to strike (Dkt. #197), and this Notice of Intent to Reconsider will be held **on Thursday, September 17, 2015 on a stacked calendar at 2:00 p.m. at the Thomas & Mack Moot Court Room at UNLV's Boyd School of Law.**

DATED this 2<sup>nd</sup> day of September, 2015.



ANDREW P. GORDON  
UNITED STATES DISTRICT JUDGE